

**MEMO ENDORSED**

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

CRIMINAL DIVISION  
FEDERAL HABEAS CORPUS SECTION

(212) 416-6173

April 30, 2008

BY FACSIMILE AND REGULAR MAIL

Hon. Gerard E. Lynch  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/1/08

Re: Boutte v. Poole, 07-CV-08412 (GEL)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. This letter is to request an enlargement of time to May 23, 2008, on consent, to respond to the petition.

After a near three-month hospital stay in the Intensive Care and Palliative Care Units, my mother died last week. The funeral was April 22, 2008. As a consequence of having to attend to family matters, including my elderly father, I missed work and had difficulty completing respondent's papers. Additional time is required to brief the issues for Your Honor's consideration, including an Apprendi claim. I am actively working on respondent's papers and would be grateful if Your Honor would grant a final extension to May 23, 2008 for the filing of respondent's papers. }\*

SO ORDERED

GERARD E. LYNCH, U.S.J.

4/30/08

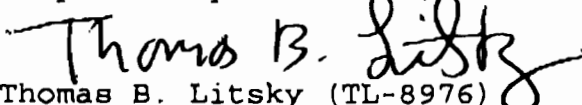
120 Broadway, New York, NY 10271 • Fax (212) 416-8010

Hon. Gerard E. Lynch  
April 30, 2008  
Page 2

I spoke with petitioner's counsel, Michael H. Sporn, Esq.  
and he consents to this request.

Thank you for your consideration.

Respectfully submitted,

  
Thomas B. Litsky (TL-8976)  
Assistant Attorney General  
120 Broadway  
New York, NY 10271

cc: BY FACSIMILE AND FIRST CLASS MAIL  
Michael H. Sporn, Esq.  
Law Office of Michael H. Sporn  
299 Broadway, Suite 800  
New York, NY 10007